

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401**

Public Notice No. R3-2008-0065
NPDES No. CA0047881

**JOINT NOTICE OF PROPOSED ACTIONS
PUBLIC NOTICE OF CONTINUED HEARING
BY THE**

U.S. Environmental Protection Agency,
Region IX, WTR-5
75 Hawthorne Street
San Francisco, CA 94105-3901
Telephone: (415) 972-3516

California Regional Water Quality
Control Board, Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906
Telephone: (805) 549-3147

On Reissuance of a National Pollutant
Discharge Elimination System (NPDES)
Permit, Modified Under Section 301(h) of
the Clean Water Act to Discharge
Pollutants to Waters of the United States

On Reissuance of Waste Discharge
Requirements to Discharge to the Pacific
Ocean

**FOR
CITY OF MORRO BAY AND CAYUCOS SANITARY DISTRICT WASTEWATER
TREATMENT FACILITY,
MORRO BAY, SAN LUIS OBISPO COUNTY**

Public Notice: September 4, 2008

The U.S. Environmental Protection Agency, Region IX (USEPA) and the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board or Water Board) are jointly issuing the following notice of proposed actions under the Clean Water Act (CWA) and regulations thereunder, and Division 7 of the California Water Code and regulations thereunder.

USEPA and the Central Coast Water Board held a joint hearing on May 11, 2006, for the purpose of reissuing the City of Morro Bay and Cayucos Sanitary District Wastewater Treatment Facility's (Discharger) modified 301(h) National Pollutant Discharge Elimination System (NPDES) Permit, Order No. R3-2006-0019. At that hearing questions arose regarding potential impacts to endangered species in the area from continued discharge from the wastewater facility. The Central Coast Water Board continued the hearing to a later date to provide an opportunity to obtain information on

the potential impacts. The Water Board transcript for the May 11, 2006 Water Board meeting can be found at the following website address:

<http://www.swrcb.ca.gov/centralcoast/Board/Meetings/documents/MorroBay-CayucosWWTPHearing-5-11-06.pdf>

Specifically, USEPA was to develop an Endangered Species Act Biological Evaluation and request consultation from the U.S. Fish and Wildlife Service (USFWS) regarding “no likely adverse affects” on the southern sea otter and brown pelican. The USEPA’s Biological Evaluation proposed the following three conservations measures to minimize the likelihood of any possible adverse effects to listed species:

- Public outreach program to minimize the input of cat litter-box wastes into the municipal sewer systems;
- Regular monitoring of nutrient loading from the facility’s ocean outfall; and
- Facility upgrade to at least full secondary or tertiary treatment by 2014.

The USFWS responded to USEPA by letter dated December 21, 2007, stating “[w]e concur with your determination that the proposed project is not likely to adversely affect the brown pelican or southern sea otter.”

The USEPA and Water Board are proposing to reissue the NPDES permit and waste discharge requirements that place effluent limitations and special conditions on the discharge from the Morro Bay/Cayucos Wastewater Treatment Plant. Draft Order No. R3-2008-0065, replaces Order No. R3-2006-0019 and is posted on the Central Coast Water Board’s website

<http://www.waterboards.ca.gov/centralcoast/Permits/Index.htm>.

Draft Order No. R3-2008-0065 revises Draft Order R3-2006-0019, proposed to the Water Board on May 11, 2006, to include the following major modifications. Details of these changes are included in the attached table (refer to “hearing notice Attachment 1”):

1. Standard template language implementing the State Water Resources Control Board’s 2005 California Ocean Plan;
2. Revisions to address USEPA’s Biological Evaluation and USFWS’ concurrence, including USEPA conservations measures;
3. Revisions to address the Discharger’s updated conversion schedule, including tertiary upgrades; and
4. Revisions to the fact sheet, including the regulatory history.

The Water Board will hold a public hearing on December 4-5, 2008, at the Central Coast Water Board Conference Room, 895 Aerovista Place, Suite 101, San Luis Obispo, California to consider adoption of Draft Order No. R3-2008-0065. Note that at this continued hearing, the Water Board will only accept evidence, exhibits, testimony, and comments into the record regarding the proposed revisions as specified above, and will not accept evidence, testimony or comments into the record regarding effluent limitations and special conditions on the discharge from the Morro Bay/Cayucos Wastewater Treatment Plant that were already addressed and accepted at the May 11, 2006 Water Board hearing. Revisions subject to further comment are attached to this joint hearing notice, which will also be available on the Central Coast Water Board website.

Interested persons are invited to submit relevant evidence, exhibits, testimony and comments in writing, either in person or by mail, to the attention of Kathi Moore at the USEPA and David LaCaro at the Water Board at the above contacts. Evidence and comments may also be e-mailed to dlacaro@waterboards.ca.gov. Oral comments will be accepted at the hearing. Written evidence, exhibits, testimony, and comments must be received by the Central Coast Water Board by 5:00 p.m. **October 14, 2008**. All relevant evidence, exhibits, testimony, and written comments received by **October 14, 2008**, will be considered in the formulation of final staff recommendations regarding the waste discharge. All timely relevant evidence, exhibits, testimony, and comments received by the close of the public hearing will be retained and considered in the formulation of the final determinations regarding the draft permit. The Water Board will not accept written evidence, exhibits, testimony, and comments received after **October 14, 2008**, unless the Chair determines that no party or the Water Board will be prejudiced by the late submission.

The Administrative Record, which includes the draft permit, fact sheet, comments received, permit application, 301(h) tentative decision and other related documents are available for review at the addresses above, weekdays between 8:00 a.m. and 5:00 p.m., and on the Water Board's website at <http://www.swrcb.ca.gov/centralcoast/Permits/Index.htm>.

Interested persons are invited to attend and present oral comments at the hearing on the reissuance of waste discharge requirements. Oral comments will be limited to comments relevant to the revisions as noted above. For the accuracy of the record, all important testimony should be submitted in writing. Oral statements should be brief to allow all interested persons time to be heard. The Chair will limit the time for interested persons to present oral comments.

The Water Board will be asked to consider adoption of waste discharge requirements at the close of the public hearing. When public interest warrants, the Water Board Chair and the EPA Hearing Officer may grant an extension of the comment period for the submittal of comments. The Water Board Chair may also continue the public hearing for consideration of adoption of the waste discharge requirements.

The Water Board will also consider a settlement agreement that provides for upgrading the Wastewater Treatment Plant to tertiary treatment over eight and one-half years. A copy of the updated tentative agreement will be made available prior to the meeting on the Water Board's website.

If, after consideration of all comments and objections, the final determinations of the Regional Administrator are substantially unchanged from the tentative determinations, the Regional Administrator shall forward a notice of the final determinations to the discharger and to any person who has submitted written comments regarding the draft permit. If, after consideration of all comments and objections, the final determinations of the Regional Administrator are substantially changed from the tentative determinations, the Regional Administrator will give public notice of such determinations. The Regional Administrator shall forward a copy of the public notice and a copy of the final determinations to the discharger and to any person who has submitted written comments regarding the draft permit. If necessary, the Water Board will be asked to consider at a subsequent public hearing revised waste discharge requirements consistent with the Regional Administrator's final determinations.

When a final permit is issued, it will become effective 33 days following the date it is mailed to the discharger, unless no comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance, or a request for an evidentiary hearing is granted. Requests for an evidentiary hearing must be filed within 30 days following the receipt of the final determinations and must meet the requirements of 40 CFR 124.74. All written requests for evidentiary hearing should be addressed to: Regional Administrator; U.S. Environmental Protection Agency, Region IX; Permits Records Coordinator, WTR-5; 75 Hawthorne Street; San Francisco, CA 94105-3901. If the Regional Administrator grants a request for an evidentiary hearing, public notice of such hearing will be given. Any person may submit a request to be admitted as a party within 30 days after the publication date of the public notice of an evidentiary hearing. If no evidentiary hearing is requested, the final permit will be issued or denied, as appropriate, and this action will be final.

Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

Attachment 1: Modifications from Order R3-2006-0019 to Order No. R3-2008-0065 for the Morro Bay/Cayucos Wastewater Treatment Facility Modified 301(h) NPDES Permit